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EXAMINER

KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/677,060

Applicant(s)

DHARA ET AL.

Examiner

Joshua Kading

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☒ Claim(s) 8, 19, 25, 27-29 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

Claims 8, 19, 25, 27, 28, 29, and 32 are objected to because of the following informalities:

5           Claim 8, 19, and 32 state, "packet/circuit switch". They should read, --packet or circuit switch--.

          Claim 25, line 4 states, "wherein signaling data". It should read, --wherein said signaling traffic--.

10           Claim 27, line 10 states, "wherein voice data". It should read, --wherein said voice traffic--.

          Claim 28, line 13 states, "said voice data". It should read, --said voice traffic--.

          Claim 29, line 17 states, "said voice data". It should read, --said voice traffic--.

          Claim 29, line 18 states, "signaling data". It should read, --signaling traffic--.

          Appropriate correction is required.

15

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20

          Claims 9, 10, 15, 16, 20, 21, 30, 31, 32, 33, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 9, 10, 20, 21, 30, 31, ~~33~~, and ~~34~~, applicant discloses "MTA and CT portions." It is unclear what exactly MTA and CT portions are. What functions do these components perform? Is there a difference between a Cellular Transceiver (CT) and a normal mobile transceiver? Is a Media Terminal Adapter a MAC or is it something  
5 else?

Claim 15 recites the limitation "said second communication channels" in lines 30-31. There is insufficient antecedent basis for this limitation in the claim.

10 In regard to claim 32, applicant discloses "a packet [or] circuit switch for converting data packets to circuit switched traffic." It is unclear how a switch can convert data from one thing to another as switches only route or direct data to the appropriate destination(s) and do not manipulate or process the data.

15 ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-14, 17-19, and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamalainen et al. (U.S. Patent 5,802,465).

In regard to claim 1, Hamalainen discloses "a method of transporting bifurcated voice and signaling data over a network, comprising the steps of:

identifying, for each communication link to be established respective signaling data and voice data (figure 2, where it is clear that there is voice or speech data and  
5 signaling or control data); and

transmitting said signaling data via a first medium and said voice data via a second medium (figure 2, where the voice data is sent through the traffic channels medium and the signaling data is sent through the control channels medium)."

10 In regard to claim 2, Hamalainen discloses "the method of claim 1, wherein said first medium is a wireless network (figure 1B shows the wireless network associated with the signals of claim 1)."

In regard to claim 3, Hamalainen discloses "the method of claim 1, wherein said  
15 second medium is a data packet network medium (figure 1B where it is shows that the network is a TCP/IP network which is a packet network)."

In regard to claim 4, Hamalainen discloses "the method of claim 1, further comprising the steps of: communicating said signaling data to a switch (figure 1B where  
20 the signaling data from the mobile stations is communicated to the MSC or Mobile Switching Unit)."

In regard to claim 5, Hamalainen discloses "the method of claim 1, further comprising: communicating said voice data to a switch (figure 1B where the voice data from the mobile stations is communicated to the MSC or Mobile Switching Unit)."

5 In regard to claim 6, Hamalainen discloses "the method of claim 3, wherein said voice data is subject to compression processing compatible with a wireless network (col. 6, lines 58-62 where the data compressed is taken to be voice data)."

10 In regard to claim 7, Hamalainen discloses "the method of claim 5, wherein said step of communicating is made via a base station system (figure 1B where the data from the mobile stations is communicated via a base station system or the BTS and BSC)."

15 In regard to claim 8, Hamalainen discloses "the method of claim 5, wherein said step of communicating is made via a packet [or] circuit switch (figure 1B where the MSC acts as a packet switch for the wireless system)."

20 In regard to claim 11, Hamalainen discloses "in a communication system for transporting bifurcated voice and signaling traffic over a network, a method comprising the steps of:

segregating signaling traffic and related voice traffic including information useful in establishing a communications link for transporting said voice traffic between a calling

party and a called party (figure 2, where it is clear that the voice or speech data and signaling or control data are segregated into two channels); and

transmitting said voice traffic via said communications link established by a controller, said voice traffic and said signaling traffic being carried via different

5 communication channels (figure 1B where the BSC is the controller that sets up communication links as is known in the art; figure 2, where it is clear that the voice or speech data and signaling or control data are segregated into two channels).”

In regard to claim 12, Hamalainen discloses “the method of claim 11, wherein  
10 one of said communication channels is a data packet network (figure 1B where it is shows that the network for communicating the voice is a TCP/IP network which is a packet network).”

In regard to claim 13, Hamalainen discloses “the method of claim 12, wherein  
15 said voice traffic is carried by said data packet network (figure 1B where the voice traffic from the mobile stations must carried to and through the TCP/IP network).”

In regard to claim 14, Hamalainen discloses “the method of claim 13, wherein  
said voice traffic is subject to compression processing compatible with a wireless  
20 network (col. 6, lines 58-62 where the data compressed is taken to be voice data).”

In regard to claim 17, Hamalainen discloses "the method of claim 11, wherein said controller is a switch (figure 1B where the controller or BSC clearly routes or switches the calls to the appropriate base stations for further transmission)."

5 In regard to claim 18, Hamalainen discloses "the method of claim 11, wherein said signaling traffic is transmitted to said controller via a base station system (figure 1B where the signaling data from the mobile stations is communicated via a base station system or the BTS and BSC)."

10 In regard to claim 19, Hamalainen discloses "the method of claim 11, wherein said voice traffic is communicated to said controller via a packet [or] circuit switch. (figure 1B where the MSC acts as a packet switch for the wireless system)."

In regard to claim 23, Hamalainen discloses "In a communication system for  
15 transporting bifurcated voice and signaling traffic between a calling party and called party, a method comprising the steps of:

identifying a call request (figure 5, where the channel request step and the response indicates a call request being identified);

establishing a signaling link to a switch via a first transport medium (col. 13, lines  
20 14-19 whereby stating that the establishing of a signaling link to a switch has already occurred); and



establishing a voice path to said switch via a second transport medium responsive to a determination that said called party answers (col. 11, lines 50-58 where the "paging channel" identifies the called party has answered and the voice path is established)."

5

In regard to claim 24, Hamalainen discloses "the method of claim 23, wherein said first medium is a wireless network (figure 1B shows the wireless network associated with the signals of claim 23)."

10

In regard to claim 25, Hamalainen discloses "the method of claim 24, wherein [said] signaling [traffic] is transmitted over said wireless network (figure 2, where the voice data is sent through the traffic channels medium and the signaling data is sent through the control channels medium, where the control channels medium was established in claim 24)."

15

In regard to claim 26, Hamalainen discloses "the method of claim 26, wherein said second medium is a data packet network medium (figure 1B where it is shows that the network is a TCP/IP network which is a packet network)."

20

In regard to claim 27, Hamalainen discloses "the method of claim 26, wherein [said] voice [traffic] is communicated over said data packet network (figure 2, where the voice data is sent through the traffic channels medium and the signaling data is sent

through the control channels medium, where the voice traffic channels medium was established in claim 26)."

In regard to claim 28, Hamalainen discloses "the method of claim 27, wherein  
5 said voice [traffic] is subject to compression processing compatible with a wireless network (col. 6, lines 58-62 where the data compressed is taken to be voice data)."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
10 obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
15 Patentability shall not be negated by the manner in which the invention was made.

Claims 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen.

20 In regard to claim 35, Hamalainen discloses "...a method comprising:  
segregating signaling traffic and related voice traffic including information useful in establishing a communications link for transporting said voice traffic between a calling party and called party (figure 2, where it is clear that the voice or speech data and signaling or control data are segregated into two channels); and  
25 transmitting said voice traffic via said communications link established by a controller, said voice traffic and said signaling traffic being carried via different

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communication channels (figure 1B where the BSC is the controller that sets up communication links as is known in the art; figure 2, where it is clear that the voice or speech data and signaling or control data are segregated into two channels)."

However, Hamalainen lacks "a computer readable medium storing a software  
5 program, that when executed by a computer, causes the computer to perform a method..."

Although Hamalainen lacks a computer program for executing the method, it would have been obvious to one with ordinary skill in the art at the time of invention to include the computer program for executing the method because a computer program is  
10 the only efficient, feasible way of executing the method. The motivation being fast executing of the method.

In regard to claim 36, Hamalainen further discloses "wherein said controller is a switch (figure 1B where the controller or BSC clearly routes or switches the calls to the  
15 appropriate base stations for further transmission)." However, Hamalainen lacks the computer readable medium for executing the method. Although Hamalainen lacks a computer program for executing the method, it would have been obvious to one with ordinary skill in the art at the time of invention to include the computer program for executing the method because a computer program is the only efficient, feasible way of  
20 executing the method. The motivation being fast executing of the method.

In regard to claim 37, Hamalainen further discloses "signaling traffic is communicated via a wireless network (figure 1B shows the wireless network associated with the signals of claim 23)." However, Hamalainen lacks the computer readable medium for executing the method. Although Hamalainen lacks a computer program for  
5 executing the method, it would have been obvious to one with ordinary skill in the art at the time of invention to include the computer program for executing the method because a computer program is the only efficient, feasible way of executing the method. The motivation being fast executing of the method.

10 In regard to claim 38, Hamalainen further discloses "said voice traffic is communicated via a data packet network (figure 1B where the voice traffic from the mobile stations must carried to and through the TCP/IP network)." However, Hamalainen lacks the computer readable medium for executing the method. Although Hamalainen lacks a computer program for executing the method, it would have been  
15 obvious to one with ordinary skill in the art at the time of invention to include the computer program for executing the method because a computer program is the only efficient, feasible way of executing the method. The motivation being fast executing of the method.

20 In regard to claim 39, Hamalainen further discloses "wherein said voice traffic is subject to compression processing compatible with a wireless network (col. 6, lines 58-62 where the data compressed is taken to be voice data)." However, Hamalainen lacks

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the computer readable medium for executing the method. Although Hamalainen lacks a computer program for executing the method, it would have been obvious to one with ordinary skill in the art at the time of invention to include the computer program for executing the method because a computer program is the only efficient, feasible way of  
5 executing the method. The motivation being fast executing of the method.

Claims 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen in view of Jachowski (U.S. Patent 4,726,071).

10 In regard to claim 22, Hamalainen discloses the method of claim 11. However, Hamalainen lacks "switching the voice traffic to the same communication channel as the signaling traffic when loss of local power is detected." Jachowski however, discloses "switching the voice traffic to the same communication channel as the signaling traffic when loss of local power is detected (col. 1, lines 57-61 where the signaling channel  
15 becoming "inoperative" is taken to be loss of local power; it is noted that although Jackowski discloses the signaling channel losing power and reassigning it to a voice channel, the underlying principal is the same as a voice channel losing power and assigning it to a signaling channel, i.e. if a channel loses power then it is reassigned to another channel, it is a matter of design choice how the channels are assigned in the  
20 event of power loss)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the reassigning of channels with the method of claim 11

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for the purpose of allowing voice communications to continue in the event of a power loss. The motivation being continuous communication.

In regard to claim 29, Hamalainen discloses the method of claim 23. However,  
5 Hamalainen lacks "switching the voice [traffic] to the same communication channel as the signaling [traffic] when loss of local power is detected." Jachowski however, discloses "switching the voice traffic to the same communication channel as the signaling traffic when loss of local power is detected (col. 1, lines 57-61 where the signaling channel becoming "inoperative" is taken to be loss of local power; it is noted  
10 that although Jackowski discloses the signaling channel losing power and reassigning it to a voice channel, the underlying principal is the same as a voice channel losing power and assigning it to a signaling channel, i.e. if a channel loses power then it is reassigned to another channel, it is a matter of design choice how the channels are assigned in the event of power loss)." It would have been obvious to one with ordinary skill in the art at  
15 the time of invention to include the reassigning of channels with the method of claim 23 for the purpose of allowing voice communications to continue in the event of a power loss. The motivation being continuous communication.

Any inquiry concerning this communication or earlier communications from the  
20 examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

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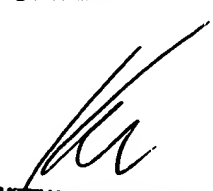
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or  
5 proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Joshua Kading  
Examiner  
Art Unit 2661

10 JK  
December 18, 2003



**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**